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# A BILL FOR AN ACT

RELATING TO ETHICS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to increase clarity  
2 and consistency in the administration and enforcement of the  
3 State's ethics laws and to promote integrity in state government  
4 by:

5           (1) Clarifying the fair treatment laws and conflict of  
6 interest laws with respect to legislators and task  
7 force members; and

8           (2) Requiring the state ethics commission to adopt rules  
9 regarding the fair treatment laws and the public  
10 disclosures required of task force members.

11          SECTION 2. Section 84-13, Hawaii Revised Statutes, is  
12 amended to read as follows:

13          "**§84-13 Fair treatment.** (a) No legislator or employee  
14 shall use or attempt to use the legislator's or employee's  
15 official position to secure or grant unwarranted privileges,  
16 exemptions, advantages, contracts, or treatment, for oneself or  
17 others; including but not limited to the following:



1 (1) Seeking other employment or contract for services for  
2 oneself by the use or attempted use of the  
3 legislator's or employee's office or position[-];

4 (2) Accepting, receiving, or soliciting compensation or  
5 other consideration for the performance of the  
6 legislator's or employee's official duties or  
7 responsibilities except as provided by law[-];

8 (3) Using state time, equipment or other facilities for  
9 private business purposes[-]; or

10 (4) Soliciting, selling, or otherwise engaging in a  
11 substantial financial transaction with a subordinate  
12 or a person or business whom the legislator or  
13 employee inspects or supervises in the legislator's or  
14 employee's official capacity.

15 (b) Nothing ~~[herein]~~ in this section shall be construed to  
16 prohibit a legislator from introducing bills and resolutions,  
17 ~~[or to prevent a person from serving on a task force or]~~ from  
18 serving on a ~~[task force]~~ committee, or from making statements  
19 or taking official action as a legislator~~[-, or a task force~~  
20 ~~member or a task force member's designee or representative]~~.

21 Every legislator~~[-, or task force member or designee or~~



1 ~~representative of a task force member shall file a full and~~  
2 ~~complete public disclosure of] shall publicly disclose the~~  
3 nature and extent of the interest or transaction [~~which~~] that  
4 the legislator [~~or task force member or task force member's~~  
5 ~~designee or representative]~~ believes may be affected by the  
6 legislator's [~~or task force member's]~~ official action.

7 (c) Nothing in this section shall be construed to prevent  
8 a person from:

9 (1) Serving on a task force; or

10 (2) Making statements or taking official action as a task  
11 force member or a task force member's designee or  
12 representative;

13 provided that every task force member or designee or  
14 representative of a task force member shall publicly disclose  
15 the nature and extent of any interest or transaction that the  
16 task force member or task force member's designee or  
17 representative believes may be affected by the task force  
18 member's official action.

19 (d) The state ethics commission shall adopt rules pursuant  
20 to chapter 91 to effectuate the purposes of this section."



1 SECTION 3. Section 84-14, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:

3 "(f) ~~[Subsections (a), (b), and (d) shall not apply to a~~  
4 ~~task force member or the designee or representative of that task~~  
5 ~~force member whose service as a task force member would not~~  
6 ~~otherwise cause that member, designee, or representative to be~~  
7 ~~considered an employee, if the task force member or the designee~~  
8 ~~or representative of that task force member complies with the~~  
9 ~~disclosure requirements under section 84-17.]~~ Nothing in this  
10 section shall be construed to prevent a person from:

- 11 (1) Serving on a task force; or  
12 (2) Making statements or taking official action as a task  
13 force member or a task force member's designee or  
14 representative;

15 provided that every task force member or designee or  
16 representative of a task force member shall publicly disclose  
17 the nature and extent of any interest or transaction that the  
18 task force member or task force member's designee or  
19 representative believes may be affected by the task force  
20 member's official action. The state ethics commission shall



1 adopt rules pursuant to chapter 91 to effectuate the purposes of  
2 this subsection."

3 SECTION 4. The state ethics commission, in its discretion,  
4 may make any changes that it deems necessary to its internal  
5 procedures or forms to aid in the implementation of this Act.

6 SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

State Ethics Commission Package; Task Force Members; Disclosures

**Description:**

Clarifies application of the fair treatment and conflict of interest laws with respect to legislators and task force members. (HB170 CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

